

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

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|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | No. 3:07-CR-81 |
| |) | (PHILLIPS / SHIRLEY) |
| |) | |
| |) | |
| ROBERT BENNETT, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This matter is before the Court on Defendant' Motion to Continue Hearing [Doc. 92], filed on January 30, 2008. Defendant requests a continuance of the motion hearing set for February 5, 2008 in light of this Court's recent Order denying his Motion for Reconsideration [Doc. 85] and upholding its previous decision that Defendant Bennett is not entitled to CJA appointed counsel when he has the financial resources allowing him to retain private counsel [Doc. 91]. Defendant Bennett avers a brief continuance is necessary to ensure adequate time for his attorney, Attorney McKellar, to prepare for the motion hearing. Defendant Bennett further contends that failure to grant the continuance would preclude him from receiving effective assistance of counsel in pursuing his pretrial motions. The government does not oppose Defendant's motion to continue hearing. Furthermore, both parties agree a brief continuance should not delay the currently scheduled trial date of May 14, 2008.

For good cause show, the Court finds Defendant's Motion to Continue Hearing well-taken. Thus, the Court finds setting a new motion hearing date of **February 13, 2008 at 1:30 p.m.** allows defense counsel sufficient time to adequately prepare to argue Defendant's pretrial motions, which include a suppression motion. The Court further finds this brief continuance will not affect Defendant's currently scheduled trial date of May 14, 2008 as sufficient time will remain for this Court to prepare a Report and Recommendation to the District Court; for either party to register an objection with the District Court in light of this Court's determination; and for the District Court to review the record and the issues presented and issue a ruling.

Thus, Defendant Bennett's Motion to Continue Hearing [**Doc. 92**] is **GRANTED**, and the motion hearing originally scheduled for February 5, 2008 is reset to **February 13, 2008 at 1:30 p.m.** before this Court.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge